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15 November 1985

CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM
FOR THE
SECOND SESSION OF THE 99th CONGRESS

LEGISLATIVE PROPOSALS

99/2 - 1: Fiscal Year 1987 Intelligence Authorization Act

The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1987 Intelligence Authorization Act for transmittal to the Congress.

99/2 - 2: Overcoming Impediments to Naturalization of
Certain Persons Contributing to the National
Intelligence Mission

The Director of Central Intelligence will submit in the proposed Fiscal Year 1987 Authorization Act and may offer in separate legislation an amendment to the Immigration and Nationality Act to authorize the waiver of general residency, physical presence and several other technical requirements which currently impede the naturalization of certain persons who have made a substantial contribution to the national intelligence mission. This proposal may become law as part of the Fiscal Year 1986 Intelligence Authorization Act, but will be pursued in the Second Session of the 99th Congress if it does not.

99/2 - 3: Classified Information Procedures Act Amendments

The Director of Central Intelligence may propose or support amendments to the Classified Information Procedures Act to require a defendant to give notice prior to trial if he intends to claim in his defense that he was, or believed he was, acting on behalf of a federal law enforcement or intelligence agency at the time of the alleged offense.

99/2 - 4: Legislation to Ensure the Central Intelligence Agency's Continued Ability to Recruit and Maintain the Quality Work Force Essential to the Effective Performance of the National Intelligence Mission

The Director of Central Intelligence will propose, either in connection with the supplemental retirement system for new federal employees, or as an amendment to the Central Intelligence Agency Retirement and Disability System, legislation to deal with the impact of Social Security coverage and federal retirement system changes, particularly: (a) to prevent the adverse effect that indiscriminate increases in retirement ages would have on intelligence operations; and (b) to ensure that Agency security requirements, especially identities protection, are fulfilled in the administration of retirement benefits for Agency employees. An Agency proposal in this regard is currently being reviewed by OMB, and pending OMB clearance and transmittal to Congress, could be enacted during this session of Congress. If it is not, similar relief will be pursued in the Second Session of the 99th Congress.

99/2 - 5: Protection of Intelligence Information

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act a proposal to provide criminal penalties for willful unauthorized disclosures of classified information by federal employees and others having authorized access to classified information and may support this proposal as contained in other legislation.

99/2 - 6: Retirement Benefits for Agency Employees
Serving in Unhealthful Areas

The Director of Central Intelligence will include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to further amend the Central Intelligence Agency Retirement Act of 1964, as amended, to provide extra retirement credit to Agency employees who serve overseas in unhealthy areas. This proposal may become law as part of the Fiscal Year 1986 Intelligence Authorization Act, but will be pursued in the Second Session of the 99th Congress if it does not.

99/2 - 7: Department of Defense Proprietaries

At DOD's request, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation which would grant the Department of Defense authority to establish and operate corporations or other business entities in support of authorized and appropriately coordinated intelligence activities.

99/2 - 8: Interlocutory Appeal Authority

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to amend the United States Code to permit an interlocutory appeal by the United States from any decision of a United States court or a judge thereof on any evidentiary ruling or dispositive motion when the Director certifies that the decision being appealed would have an adverse impact on the national security.

99/2 - 9: Remedy for Injuries Arising out of Acts or
Omissions of Intelligence Community Personnel

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to amend the National Security Act of 1947 to provide that any cause of action a person may have for injury based on an act or omission of an officer or employee of an intelligence agency would be against the United States exclusively and may support this proposal as contained in other legislation.

99/2 - 10: Miscellaneous CIA and NSA Amendment

In light of the uncertainty created by recent case law concerning alcohol and drug abuse, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to ensure that the Intelligence Community agencies are able to continue to deal with security problems in the area of alcohol and drug abuse without regard to the provisions of any other law, rule, or regulation.

99/2 - 11: Exemption from Requirement to Publish Record Disposal Requests

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Bill legislation to amend the U.S. Code to exempt the Agency from the requirement that the Archivist publish in the Federal Register the records disposal requests of the Agency for the purpose of soliciting public comment.

99/2 - 12: Conformance of Certain Provisions of CIARDS with P.L. 98-615

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act, or in separate legislation, an amendment to the CIA Retirement and Disability System (CIARDS) to incorporate certain former spouse entitlements which were made available to former spouses or participants in the Civil Service Retirement System by passage of P.L. 98-615.

99/2 - 13: FOIA Relief for FBI

In addition to the FOIA relief currently being sought by FBI-DoJ, an amendment to the FOIA may be proposed by the DCI, at FBI's request, which would exempt the FBI's counterterrorism files and counterintelligence files from the provisions of the FOIA that require search, review, and publication, provided those files are not older than five years.

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99/2 - 14: Exclusive Jurisdiction to Combat Terrorist Crimes

Legislation may be proposed by the DCI, at FBI's request, that would allow the Attorney General discretion to exercise exclusive Federal jurisdiction in investigating and prosecuting terrorist crimes. The proposal would contain definitions of international and domestic terrorism.

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99/2 - 15: Summary Deportation for Aliens Involved in Terrorist Activities

Legislation may be proposed by the DCI, at FBI's request, for summary deportation based on the execution of a special warrant issued by the Attorney General at the request of the Director of the FBI for aliens involved in terrorist activities.

99/2 - 16: Access by FBI to Financial Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill an amendment to the Right to Financial Privacy Act of 1978 that would require financial institutions to comply with requests by the FBI for financial records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes.

99/2 - 17: Access by FBI to Tax Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize the FBI, upon approval by the Attorney General or his designee, to receive tax return and taxpayer information regarding individuals that are subject to domestic counterintelligence investigations.

99/2 - 18: Access by FBI to Toll Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would require telephone companies to comply with requests by the FBI for toll records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes.

99/2 - 19: Authority to Expend Funds for Consultation with Foreign Officials

At FBI and DOD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize the expenditure of funds to bring foreign officials who have counterintelligence responsibilities in their own countries to the United States for consultation with FBI and DOD representatives.

99/2 - 20: Access by FBI to State and Local Criminal Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize access by the FBI to state and local criminal records for purposes of determining eligibility for access to classified information. A proposal to give CIA, DOD, and OPM access to state and local criminal records for the same purpose may become law as part of the FY-86 Intelligence Authorization Act, and if enacted, an amendment may be sought to provide the same access for the FBI.

99/2 - 21: Department of Defense Proposal to Provide a Method for Promoting Military Intelligence Officers Below the Rank of Brigadier General and Commodore

At DOD's request, the Director of Central Intelligence may support an amendment to provide a method whereby military officers serving in the intelligence organizations of the military departments who can be promoted

only with the advice and consent of the Senate, may be promoted in a secure fashion without compromising either their identities or the intelligence activities in which they are engaged.

99/2 - 22: Defense Intelligence Agency (DIA) Proposal to Extend Termination Authority of Secretary of Defense with Respect to Defense Intelligence Agency Civilian Personnel

At DIA's request, the Director of Central Intelligence may include an amendment to Chapter 83 of title 10, United States Code, to extend for two additional Fiscal years the authority of the Secretary of Defense to terminate the employment of DIA civilian personnel originally provided in Title V of the FY-85 Intelligence Authorization Act.

99/2 - 23: Department of Defense Proposal to Extend the Provision of Section 1604, P.L. 98-618 to the Military Departments

Title V of the Fiscal Year 1985 Intelligence Authorization bill (P.L. 98-618) entitled, "Defense Intelligence Agency Personnel Management Improvements", granted the Secretary of Defense certain personnel management authorities with regard to civilian officers and employees in the Defense Intelligence Agency. At DOD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization Act legislation to extend these authorities to civilian officers and employees in the intelligence organizations of the military departments.

99/2 - 24: Exchange of Mapping, Charting, and Geodetic Data with Foreign Nations

At DOD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization Act legislation which would grant the Defense Mapping Agency

authority to exchange or furnish mapping, charting and geodetic (MC&G) data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of MC&G data.

99/2 - 25:

Related Travel and Medical Care Expenses
for Defense Intelligence Agency Civilian
Employees Serving Overseas

At DIA's request, the Director of Central Intelligence may include an amendment to provide DIA the authority to pay for travel and related expenses in connection with obtaining necessary medical care for DIA civilian employees serving abroad equivalent to that now available to CIA, NSA and Foreign Service employees.

99/2 - 26:

Exceptional Intelligence Community Award Program

At DOD's request, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to ensure that there is authority for the granting and acceptance of incentive awards for service performed by civilian and military personnel for intelligence-related activities.